

REMARKS

Claims 1 - 27 remain pending. Claim 27 has been added.

Drawings

The drawings were objected to as failing to comply with 37 C.F.R. 1.84(p)(4) because reference character "6" has been used to designate both the bottom and the compartment as shown in Figure 1. Reconsideration of this objection is requested. Applicant submits that bottom 6 is shown in Figure 1 in two orientations. Bottom 6 is movable and is selectively extended from frame 2. The broken lines illustrate bottom 6 in its extended position.

Claim Rejection: Rejection under 35 U.S.C. §103

Claims 1-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Pippen et al., in view of Cue. It is submitted that the rejections based on Pippen et al. and Cue are improper as the Examiner has failed to establish a prima facie case of obviousness. First, there is no suggestion or motivation to modify or combine the references. Second, there would be no reasonable expectation of success in the combination. Third, the prior art references would not teach or suggest all of the claim limitations. Reconsideration of these rejections is requested.

Regarding claim 1, it is submitted that the combination of Pippen and Cue, even if proper, would fail to yield the present invention. The combination would fail to teach or suggest all of the claim limitations. For example, the folder device of the present invention has forward edges of the first and second sides which are differently configured. Furthermore, the folder device of Cue, when combined with a sorting machine of Pippen, would not have or suggest a forward edge which is configured in relation to the leading edge of its associated partition element so that at least a portion of the first side does not extend vertically past the leading edge.

Regarding claim 2, the combination of Pippen and Cue would fail to teach or suggest a movable support structure having a pair of orientations such that the folders are supported upon the support structure in either a generally upright or vertical manner depending on the orientation.

Regarding claim 4, the combination of Pippen and Cue would fail to teach or suggest a folder device being a postage paid mail item.

Regarding claim 5, the combination of Pippen and Cue would fail to teach or suggest a folder having a splay structure tending to force the folder into an open configuration.

Regarding claim 7, the combination of Pippen and Cue would fail to teach or suggest a folder having forward edges of the first and second sides which are differently configured. Furthermore, the folder device of Cue, when combined with a sorting machine of Pippen, does not have a forward edge which is configured in relation to the leading edge of its associated partition element so that at least a portion of the first side does not extend vertically past the leading edge.

Regarding claim 8, the combination of Pippen and Cue would fail to teach or suggest a movable support structure having a pair of orientations such that the folders are supported upon the support structure in either a generally upright or vertical manner depending on the orientation.

Regarding claim 10, the combination of Pippen and Cue would fail to teach or suggest a folder device being a postage paid mail item.

Regarding claim 11, the combination of Pippen and Cue would fail to teach or suggest a folder having a splay structure tending to force the folder into an open configuration.

Regarding claim 13, the combination of Pippen and Cue would fail to teach or suggest the method for creating a delivery point package as claimed. For example, the combination of Pippen and Cue would fail to teach the steps of sorting mail items, placing a folder with each subgrouping, and inverting the folder to capture associated mail.

Regarding claim 18, the combination of Pippen and Cue would fail to teach or suggest the method for creating a delivery point package as claimed. For example, the combination of Pippen and Cue would fail to teach the steps of sorting mail items and folders into subgrouping, and inverting the folder around the mail items to capture the associated mail.

Regarding claim 21, the combination of Pippen and Cue would fail to teach or suggest the method for creating a delivery point package as claimed. For example, the combination of Pippen and Cue would fail to teach the steps of sorting mail items, associating a folder with each unique indicia, inverting the folder around the mail items to capture the associated mail, placing the inverted folder into a sorting device, and inserting additional mail items into the inverted folder.

Regarding claim 26, the combination of Pippen and Cue would fail to teach or suggest the method for creating a delivery point package as claimed. For example, the combination of Pippen and Cue would fail to teach the steps of sorting mail items and folders, inverting the folder around the mail items to capture the associated mail items, placing the inverted folder into a sorting device, and inserting additional mail items into the inverted folder.

Furthermore, there is no teaching or suggestion to combine the references of Pippen and Cue. The Examiner is simply engaging in a hindsight reconstruction of the claimed invention, using the applicant's structure as a template and selecting elements from references to fill the gaps, an activity the Federal Circuit has repeatedly indicated as improper. *In re Gorman*, 933 F.2d 982, 19 USPQ2d 1885 (Fed. Cir. 1991). There must be some reason for the combination other than the hindsight obtained from the invention itself. *Interconnect Corp. v. Ultraseal Ltd.*, 781 F.2d 861, 228 USPQ 90 (Fed. Cir. 1985). The Examiner has not established a prima facie case of obviousness by failing to provide the motivation or reasoning as to why the combination of references is proper.

We submit that the present invention as currently claimed is not made obvious by the combination of Pippen and Cue. Consequently, we respectfully request that the rejections based thereon be withdrawn.

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CONCLUSION

Applicant respectfully requests that the Examiner reconsider the pending claims. Please charge the \$9.00 fee for the additional dependent claim (37 C.F.R. 1.16(c)) to Deposit Account No. 50-1212 (10112014).

Please direct any questions regarding this application to John Klos at (612) 321-2806.

Respectfully submitted,
Lance E. Anderson, by his attorneys,


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CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. 1.8:

I hereby certify that this paper and any papers referred to herein are being sent via facsimile to Commissioner for Patents telephone number 703-872-9326 on August 26, 2003.

John F. Klos:


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